

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

THE BOEING COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:24-cv-00219
	)	
MELROSE INDUSTRIES Plc, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DEFENDANTS' RESPONSE TO THE BOEING COMPANY'S MOTION  
FOR AN EMERGENCY HEARING**

Defendants in the above-captioned case respectfully oppose the Motion for an Emergency Hearing filed by Plaintiff The Boeing Company ("Boeing").

1. Boeing's motion seeks an emergency hearing in less than four days based on a letter it received from GKN Aerospace North America – St. Louis ("GKN St. Louis") by email on March 8, 2024. *See* Exhibit C to The Boeing Company's Motion for an Emergency Hearing (the "March 8 Letter").

2. As part of the ongoing business dealings between the parties that continue notwithstanding the litigation between them, the March 8 Letter was sent in the ordinary course, and consistent with standard commercial practice, to inform Boeing that GKN St. Louis "will be disposing of component and end item parts that have been deemed obsolete or that are excess to open requirements." *Id.* Notably – and obviating any need for a temporary restraining order – the letter offers to sell the materials to Boeing. *Id.* The letter concludes by saying that "if you have any additional questions or concerns, please reach out to the undersigned." *Id.*

3. Boeing's only response was to request additional time, to which GKN St. Louis was not opposed. The first GKN St. Louis heard of any emergency occasioned by GKN St. Louis's

March 8 Letter was in Boeing's filing before this Court. If Boeing had expressed any concerns, GKN St. Louis would have been happy to allay them by agreeing to put the process described in the March 8 letter on hold.

4. So as to allay any concerns on Boeing's part and to avoid further burdening the Court, Defendants hereby represent that GKN St. Louis will not dispose of the materials identified in the March 8 Letter while Boeing's motion for a preliminary injunction remains pending.

For the foregoing reasons, Defendants respectfully request that Boeing's Motion for an Emergency Hearing be denied as moot.

DATED: March 18, 2024

Respectfully submitted,

Michael D. Kibler (Pro Hac Vice)  
Kibler Fowler & Cave LLP  
11100 Santa Monica Blvd., Ste. 360  
Los Angeles, CA 90025  
Telephone: 310-409-0473  
Facsimile: 310-409-0401  
[mkibler@kfc.law](mailto:mkibler@kfc.law)

Daniel J. Stujenske (Pro Hac Vice)  
Michael C. Ledley  
(Pro Hac Vice Forthcoming)  
Kibler Fowler & Cave LLP  
500 Fifth Avenue, 12<sup>th</sup> Floor  
New York, NY 10010  
Telephone: 310-409-0477  
[dstujenske@kfc.law](mailto:dstujenske@kfc.law)  
[mledley@kfc.law](mailto:mledley@kfc.law)

By: /s/ Matthew P. Diehr  
Matthew P. Diehr, #61999MO  
Jeffrey B. Jensen, #46745MO  
Vicki L. Little, #36012MO  
HUSCH BLACKWELL LLP  
8001 Forsyth Boulevard, Suite 1500  
St. Louis, MO 63105  
Telephone: (314) 480-1500  
Facsimile: (314) 480-1505  
[Matthew.diehr@huschblackwell.com](mailto:Matthew.diehr@huschblackwell.com)

***Attorneys for Defendants, Melrose Industries PLC,  
GKN Aerospace Services Limited, GKN Aerospace,  
Inc., GKN Aerospace US Holdings LLC, GKN  
Aerospace Transparency Systems Inc., GKN  
Aerospace St. Louis LLC, GKN Aerospace  
Aerostructures Inc., GKN Aerospace Precision  
Machining, Inc., and GKN Aerospace Newington  
LLC***